

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1489 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Mark McBride

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 1489

By: McBride

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to wind energy; amending Section 2, Chapter 92, O.S.L. 2015 (17 O.S. Supp. 2016, Section 160.20), which relates to the Oklahoma Wind Energy Development Act; modifying provisions related to certain setback requirements; requiring filing of notice; prescribing time periods with respect to private-use airports; providing exception to jurisdiction of district courts with respect to certain disputes; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 2, Chapter 92, O.S.L. 2015 (17 O.S. Supp. 2016, Section 160.20), is amended to read as follows:

Section 160.20 A. After the effective date of this act, no wind energy facility may be constructed if the base of any tower is located at a distance of less than:

1. One and one-half (1 1/2) nautical miles from the center line of any runway located on:

1 a. a public-use airport as defined in Section 120.2 of  
2 Title 3 of the Oklahoma Statutes,

3 b. a private-use airport as defined in Section 157.2 of  
4 Title 14 of the Code of Federal Regulations and for  
5 which:

6 ~~(1)~~ a notice to the Federal Aviation Administration  
7 (FAA) has been filed under Section 157.3 of Title  
8 14 of the Code of Federal Regulations prior to  
9 the notification of intent to build a facility  
10 with the Corporation Commission pursuant to  
11 subsection A of Section ~~3~~ 160.21 of this ~~act~~, and

12 ~~(2) an airport determination has been issued by the~~  
13 ~~FAA with a determination of no objection or a~~  
14 ~~conditional determination or the airport~~  
15 ~~determination remains pending~~ title. The notice  
16 filed with the FAA must be simultaneously filed  
17 with the Public Utility Division of the  
18 Corporation Commission. If this notice is not  
19 filed with the Corporation Commission in the  
20 manner prescribed by Commission rules, the  
21 setback provisions of this section shall not  
22 apply to that airport. The Director of the  
23 Public Utility Division of the Corporation  
24

1                   Commission shall make the initial determination

2                   as to which of these notices was filed first, or

3           c.     an airport owned by a municipality;

4           2.   One and one-half (1 1/2) nautical miles from any public  
5 school which is a part of a public school district; or

6           3.   One and one-half (1 1/2) nautical miles from a hospital.

7           B.   A private-use airport owner shall have a period of twenty-  
8 four (24) months from filing the notice with the FAA, or twelve (12)  
9 months from the date the FAA issues an airport determination of no  
10 objection, or a conditional determination, whichever is earlier, to  
11 construct their airport, submit a completed 5010-5 form to the FAA  
12 and receive an official airport location identifier. If the  
13 private-use airport has not been activated in the official FAA  
14 database within one of the time periods prescribed by this  
15 subsection, the setback provisions of this section shall no longer  
16 apply to that airport.

17           C.   Attestation of compliance with the setback requirements in  
18 this section shall be included in any reports required by the  
19 Corporation Commission. Disputes arising under this section, other  
20 than the initial determination of which notice was filed first with  
21 the Corporation Commission pursuant to subparagraph b of paragraph 1  
22 of subsection A of this section, shall fall under the exclusive  
23 jurisdiction of the district courts.

1       SECTION 2. It being immediately necessary for the preservation  
2 of the public peace, health or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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6       56-1-7012       MAH       02/20/17

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